

## Message Text

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43

ACTION DLOS-05

INFO OCT-01 AF-06 ISO-00 COA-01 CG-00 CIAE-00 DODE-00

PM-03 H-01 INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 AID-05 CEQ-01 COME-00 EB-07

EPA-01 IO-10 NSF-01 OES-03 FEAEE-00 ACDA-05 ERDA-05

AGR-05 DOTE-00 FMC-01 INT-05 JUSE-00 OMB-01 CIEP-01

CEA-01 TRSE-00 OIC-02 /110 W

----- 099671

R 190900Z FEB 75

FM AMEMBASSY GABORONE

TO SECSTATE WASHDC 6308

INFO AMEMBASSY BAMAKO

AMEMBASSY BANGUI

AMEMBASSY BLANTYRE

AMEMBASSY BUJUMBURA

AMAMBASSY KIGALI 0004

AMEMBASSY LUSAKA

AMEMBASSY MASERU

AMEMBASSY MBABANE

AMEMBASSY NDJAMENA

AMEMBASSY OUAGADOUGOU

AMEMBASSY PRETORIA

AMCONSUL CAPE TOWN

USMISSION UN NEW YORK

C O N F I D E N T I A L GABORONE 0229

E. O. 11652: GDS

TAGS: PLOS, BC

SUBJ: LOS: BILATERAL CONSULTATIONS WITH BOTSWANA, 17FEB75

1. SUMMARY: GOB SEEKS PREPARED TO COOPERATE WITH US ON LOS AT GENEVA. PRIMARY CONCERNS ARE ACCESS TO SEA, SHARING IN ECONOMIC ZONE AND DEEP SEABED AND MAINTENANCE OF FREE NAVIGATION  
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BEYOND TERRITORIAL SEA. END SUMMARY.

2. GOB PARTICIPANTS WERE ATTORNEY GENERAL MOKAMA, L.J. LEGWAILA, SENIOR PRIVATE SECRETARY, OFFICE OF THE PRESIDENT AND M. MODSIDINYANE, EXTERNAL AFFAIRS, OFFICE OF THE PRESIDENT. US PARTICIPANTS WERE AMBASSADOR BOLEN, MYRON H. NORDQUIST, NSC LOS TASK FORCE, AND WILLIAM P. POPE, EMBASSY LOS OFFICER.

3. ATTORNEY GENERAL STRESSED THAT GOB'S PRIMARY OBJECTIVE WAS TO OBTAIN FREE ACCESS TO SEA IN MULTILATERAL TREATY. GOB STRONGLY OBJECTS TO BILATERAL ARRANGEMENTS FOR FEAR THAT TRANSIT STATES, ESPECIALLY SOUTH AFRICA, MIGHT IMPOSE UNACCEPTABLE CONDITIONS. WHILE GOB COULD ACCEPT SOME QUALIFICATIONS, E.G. SECURITY, AND WOULD PAY FOR SERVICES AND FACILITIES, THEY DID NOT WANT OTHER DISCRETIONARY RESTRICTIONS ON ACCESS. TREATY FORMULAE WHICH MAKE TRANSIT "SUBJECT TO" BILATERAL AGREEMENT WERE UNACCEPTABLE. IN 200 MILE ECONOMIC ZONE (WHICH GOB RELUCTANTLY ACCEPTS), GOB WANTS TO SHARE IN BOTH LIVING AND NONLIVING RESOURCES OF COASTAL STATES. HOWEVER, FISHERIES SHARING WOULD BE ON REGIONAL BASIS. FREEDOM OF HIGH SEAS WOULD BE MAINTAINED IN 200 MILE AREA BEYOND 12-MILE TERRITORIAL SEA BUT COASTAL STATE WOULD HAVE FULL ECONOMIC AUTHORITY. BEYOND 200 MILES, INTERNATIONAL AUTHORITY SHOULD OWN RESOURCES OF SEABED FOR WHICH IT WOULD GRANT LICENSES AND COLLECT TAXES. MOKAMA MADE POINT THAT IT WOULD BE IN INTEREST OF INTERNATIONAL AUTHORITY TO CREATE CLIMATE ATTRACTIVE TO INVESTORS IN ORDER TO GENERATE REVENUES FOR DISTRIBUTION. REVENUES COLLECTED MUST BE USED FOR DEVELOPMENT OF ALL POOR COUNTRIES, NOT STRICTLY COASTAL ONES. MOKAMA STRESSED THAT INTERNATIONAL TRIBUNAL WAS NECESSARY TO SETTLE DISPUTES.

4. NORDQUIST EXPLAINED US POSITION ON UNIMPEDED PASSAGE OF STRAITS. MOKAMA SEEMED SOMEWHAT UNINFORMED ON US STRAITS POLICY. LEGWAILA RAISED GOB NEED TO SUPPORT OAU POSITION OF "INNOCENT PASSAGE" VERSUS "UNIMPEDED PASSAGE." NORDQUIST COUNTERED BY SAYING THAT MULTILATERAL TREATY WAS ONLY MEANS TO GUARANTEE ACCESS TO SEA AS WELL AS TRANSIT THROUGH STRAITS AND THAT US COULD NOT BE PARTY TO TREATY THAT DID NOT ACCOMMODATE US STRAITS OBJECTIVES. NORDQUIST THEN EXPLAINED WHY INNOCENT PASSAGE REGIME UNACCEPTABLE DUE TO ITS SUBJECTIVE NATURE AND LACK OF PROVISIONS FOR OVERFLIGHTS AND SUBMERGED TRANSIT.

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5. NORDQUIST COVERED USG POSITIONS ON SCIENTIFIC RESEARCH AND ARCHIPELAGOS. LEGWAILA RESPONDED THAT GOB WOULD HAVE NO PROBLEM WITH US POSITION ON SCIENTIFIC RESEARCH SO LONG AS GOB HAS ACCESS TO INFORMATION THUS ACQUIRED. ALSO THEY HAD NO MAJOR DISAGREEMENT WITH US ARCHIPELAGO POSITION IF US SUPPORTS BOTSWANA ON THEIR MAJOR CONCERNs.

6. MOKAMA ASKED IF GENEVA REALLY "MAKE OR BREAK" SESSION. NORDQQIST

REPLIED THAT MANY STATES ARE IMPATIENT ABOUT PACE OF NEGOTIATIONS AND IT LIKELY THAT US CONGRESSIONAL BILLS ON 200-MILE FISHERIES ZONE AND DEEP-SEA MINING WOULD PASS UNLESS CLEAR FRAMEWORK OF AGREEMENT EMERGED FROM GENEVA.

7. MOKAMA EXPLAINED FINANCIAL PROBLEMS OF SENDING DELEGATION FOR LOS CONFERENCES BUT STATED GOB WOULD DEFINITELY ATTEND. AMBASSADOR BOLEN ASKED IF GOB PLANNED TO TAKE INITIATIVES WITH MALAWI AND OTHER AFRICAN LANDLOCKED STATES TO ENCOURAGE THEIR PARTICIPATION. MOKAMA RUMINATED THAT GOB MIGHT CONTACT MALAWI TO OBTAIN PROXY IF MALAWI NOT GOING TO GENEVA.

8. MOKAMA CONCLUDED BY STATING THAT US AND GOB COULD PURSUE A "COMMON FRONT" AT GENEVA AND THAT IT IS DESIRABLE THAT MULTI-LATERAL LOS TREATY BE CONCLUDED AS QUICKLY AS POSSIBLE.

9. EMBASSY COMMENT: CONSULTATIONS WERE VERY CORDIAL AND EMBASSY BELIEVES THAT VISIT WAS HIGHLY SUCCESSFUL FOR BOTH LOS AND GENERAL US-GOB RELATIONS. AMBASSADOR BOLEN, WHO IS ALSO ACREDITED TO LESOTHO AND SWAZILAND, PLANS TO CONVEY USG POSITIONS ON LOS TO OFFICIALS THERE AND WILL ENCOURAGE THEIR PARTICIPATION AT GENEVA. MOKAMA'S PRINCIPAL CONCERN WAS POSSIBILITY OF UNSUCCESSFUL LOS CONFERENCE WHICH WOULD FORCE GOB TO NEGOTIATE ACCESS TO SEA BILATERALLY WITH SOUTH AFRICA. HE INITIATED DISPUTE SETTLEMENT DISCUSSION WITH EMPHASIS ON INTERNATIONAL TRIBUNAL. HE FELT SUCH MECHANISM WOULD BE BEST PROTECTION FOR GUARANTEEING TREATY RIGHTS OF WEAKER COUNTRIES. HE OBVIOUSLY HAD IN MIND THIRD PARTY ADJUDICATION OF ACCESS RIGHTS BETWEEN GOB AND SOUTH AFRICA. AFTER NORDQUIST INTIMATED THAT USG VIEW OF LANDLOCKED STATES DESIRE FOR ACCESS TO SEA WOULD BE INFLUENCED BY LANDLOCKED POSTURE ON US STRAITS POSITION, THERE WAS NO FURTHER MENTION OF OAU STRAITS POSITION. IF GOB DISCUSSION IS ANY INDICATION, US AND LANDLOCKED STATES SHOULD BE ABLE TO SUPPORT MANY COMMON LOS POSITIONS, OFTEN FOR DIFFERENT REASONS.  
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MOKAMA STATED THAT UNITED OAU POSITION PROBABLY COULD NOT BE FORMULATED ON LOS AS THIS SUBJECT REQUIRED STATES TO PURSUE THEIR INDIVIDUAL INTERESTS. DESPITE THIS ATTITUDE, FINAL DECISION WILL BE MADE BY PRESIDENT WHO MAY WELL GO ALONG WITH OAU.

10. NORDQUIST COMMENT: PARTICIPATION BY AMBASSADOR BOLEN IN CONSULTATION CONTRIBUTED SUBSTANTIALLY TO FRIENDLY ATMOSPHERE AND ENSURED ATTENTION TO LOS AT POLICY LEVEL IN GOB. IN VIEW OF MOKAMA'S KEEN INTEREST IN DISPUTE SETTLEMENT, D/LOS MIGHT SUGGEST THAT SOON INVITE HIM TO WEEKEND DISPUTE SETTLEMENT RETREAT IN GENEVA.

BOLEN

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## Message Attributes

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